

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.15876 of 2015 and
M.P.No.1 of 2015

1.Smt.Vasantha
2.M.Anandaraj

.. Petitioners

Vs

1.The State rep. By
Inspector of Police,
D-3, Guduvancheri Police Station,
Kanchipuram District.

2.Smt.Rajeshwari

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to S.C.No.40/2015 on the file of the learned Chief Judicial Magistrate, Chengalpet and quash the same in respect of these petitioners/A2 and A3.

For Petitioners :Mr.M.V.Muralidharan
For R.1 :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking to quash the case in S.C.No.40/2015 on the file of the learned Chief Judicial Magistrate, Chengalpet, in respect of these petitioners/A2 and A3, they are before this Court with this petition.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent police.

3.It is seen that the deceased Moorthy got married to Praveena and their matrimonial life was not happy. Ultimately on 09.10.2013, Moorthy committed suicide by hanging in his residence. A suicide note dated 06.04.2013 was recovered, in which, Moorthy has stated that he was subjected to untold cruelty by his wife, mother-in-law and brother-in-law as they wanted to usurp his property and they demanded to transfer the flat in his name to his wife Praveena.

4.On a reading of the suicide note, it appears that Moorthy had suffered terribly at the hands of his wife and in-laws to such an extent that he felt that he would get peace only in the graveyard.

5.Mr.M.V.Muralidharan, learned counsel for the petitioners submitted that the suicide note was written on 06.04.2013 but, the suicide was only on 09.10.2013 and that there was whooping gap. Though the submissions does rise doubt in the mind of this Court but, nevertheless, these are all questions of fact which should be best left for the trial Court to decide.

6.Under such circumstances, this is not a fit case to quash the entire case in S.C.No.40/2015 on the file of the learned Judicial Magistrate, Chengalpattu.

7.At this juncture, the learned counsel for the petitioners submitted that the presence of the first petitioner/second accused before the trial Court may be dispensed with.

8.Accepting the said submission of the learned counsel for the petitioners, the first petitioner/second accused is directed to appear before the trial Court to receive the final report and other relevant documents under Section 207 Cr.P.C., for the purpose of answering the charges; at the time of examination under Section 313 Cr.P.C., and at the time of pronouncing judgement. The trial Court shall liberally consider her petition under Section 317 Cr.P.C., provided, if she is represented by learned counsel and on further condition that the first petitioner shall not dispute her identity and that she will cross examine the witness and not adopt any dilatory tactics so as to drag the trial Court proceedings. Further, if the first petitioner/second accused fails to follow the above conditions, then, the trial Court shall insist for the appearance of the first petitioner/second accused.

9.With the above observations, the Criminal Original Petition is dismissed however with liberty to the petitioners to raise all the points before the trial Court. Consequently, connected miscellaneous petition is closed.

Sd/-
सत्यमेव जयते
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

jbm

To

1. Inspector of Police,
D-3, Guduvancheri Police Station,
Kanchipuram District.

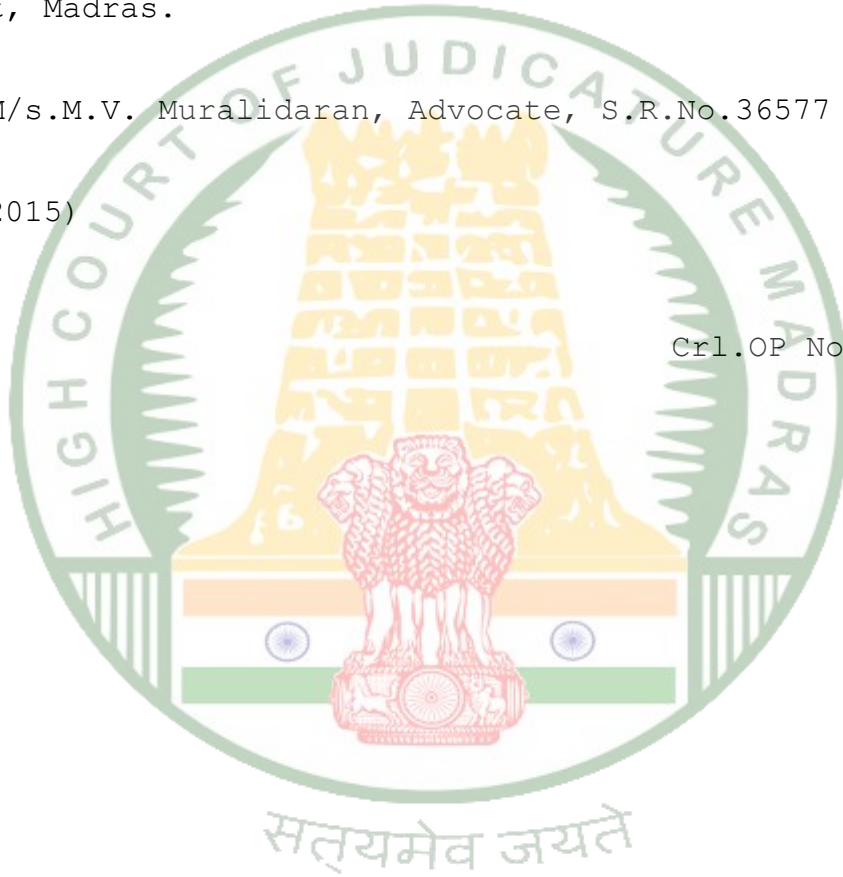
2. The Judicial Magistrate, Chengalpat.

3. The Public Prosecutor,
High Court, Madras.

+2ccs to M/s.M.V. Muralidaran, Advocate, S.R.No.36577

AD(CO)
EU(04/08/2015)

Cr1.OP No.15876 of 2015



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